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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/823,961 | 04/14/2004 | Mary Ellen Birli | ERIC . P0347US | 5440 |

7590 03/03/2005
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EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,961

Applicant(s)

BIRLI ET AL.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/7/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action for the serial number 10/823,961, THREADED ROD HANGER, filed on 4/14/04.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 5/7/04 was filed after the mailing date of the filing date on 4/14/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 13-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 8,13, and 20 the phrase "the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claims 14-19 and 21-24 are rejected as depending on rejected claim 13.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 3,341,909 to Havener and in view of US Patent # 6,050,766 to Kies et al.

Havener teaches a rod hanger (figure 11) comprising a body (21) including a threaded rod receiving portion (41) accommodating a vertically extending threaded rod (71) therethrough. The rod receiving portion comprises a sheet metal housing (col. 1, lines 65-66). The housing includes aligned notches (43-44) and a clamp screw (36).

Havener teaches the threaded rod receiving portion includes nut and washer (72-73) but fails to teach the receiving portion includes an insert clip in the rod receiving portion and rod receiving includes slots. Kies et al. teaches a threaded rod receiving portion (opening area in 10. See figure 7) accommodating a vertical extending threaded rod (20) therethrough and an insert clip (12) in the rod receiving portion gripping the threaded rod. The rod receiving portion comprises a sheet metal housing (col. 3, lines 3-4). The housing includes slots (23, 22, underneath element 60 that has opening area in figure 4 and another slot located adjacent to element 50 in figure 4). The insert clip is U-shape having parallel spring legs (67-68) and each having a linear series of grooves (69-70) forming a thread profile. The profile in the respective legs being offset by one half the pitch of threads of the rod (col. 3, lines 59-60). The hanger

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includes angled projections (50-51 and 54-57) in the housing to guide the tips of legs from one set of slots to the other. The tips of legs project through the slots of one wall when the insert clip is fully inserted in the slots of the other (figure 6). The springs legs having projections (72-73) on the outside thereof. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Havener's rod receiving portion with clip, slots, angled projections in housing as taught by Kies et al. to reduce time for tightening the threaded rod with clip rather than spending some time tighten the nut on the threaded rod.

In regard to claims 9-12 and 21-24, Havener in view of Kies et al. teaches all elements above but fails to teach the housing includes an extension, however in figure 7 of Havener which is a different embodiment shows that the housing includes an extension (50-52) terminating in an edge clip (53, wall between 53 and 54, and 54). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used the extension to figure 11 of Havener's invention to provide additional storage for an object to be secured therein.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 6,672,545 to Persing

US Patent # 5,667,181 to van Leeuwen et al.

US Patent # 2,364,880 to Tinnerman

US Patent # 5,947,424 to Heath

US Patent # 4,019,705 to Habuda, Sr. et al.

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US Patent # 4,570,885 to Heath

US Patent # 6,012,691 to van Leeuwen et al.

Habuda, Sr. et al., Heath, van Leeuwen et al., Persing, van Leeuwen et al., Heath teaches a hanger support having threaded rod receiving portion for supporting threaded rod. Tinnerman teaches u-shape clip for fastening the threaded rod.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632



2/25/05